

**IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

DOROTHEA E. FLONNORY,	:	
	:	
Appellant,	:	
	:	
v.	:	C.A. No. 05A-10-007
	:	
ACCORD HEALTH SERVICE AT	:	
BRANDYWINE	:	
and UNEMPLOYMENT INSURANCE	:	
APPEAL BOARD	:	
	:	
Appellees.	:	

Submitted: March 20, 2006  
Decided: March 30, 2006

**O R D E R**

This 30<sup>th</sup> day of March, 2006, the appeal of the Dorothea E. Flonnory (“Flonnory”) having been considered, and there being no response from Accord Health Service at Brandywine (“Accord”), appellant, it appears:

1. Flonnory was hired to work at Accord, a skilled nursing facility.
2. Flonnory did not reveal on her application that she had pled guilty to theft under \$500 for an arrest on April 6, 1994, and pled guilty to forgery second degree for an arrest in March, 1994. She did reveal convictions for conspiracy and drug offenses in 1992.
3. Upon discovery of the additional criminal charges, Flonnory was terminated from her position because she had falsified her employment application.
4. The Appeals Referee found there was just cause for the termination based on the false

information on the employment application.<sup>1</sup> The Board affirmed the Referee's decision.<sup>2</sup>

5. The function of the reviewing Court is to determine whether the Board's decision is supported by substantial evidence.<sup>3</sup> Substantial evidence means relevant evidence a reasonable mind might accept as adequate to support a conclusion.<sup>4</sup> The Court does not weigh the evidence, determine questions of credibility, or make its own factual findings.<sup>5</sup> If the record below contains substantial evidence to support the findings of the Board, then that decision will be affirmed.<sup>6</sup>

6. Flonnory has filed an appeal, and she argues certain facts. She does not demonstrate that the factual findings as to her falsified employment application lack support in the record, nor could such an argument be made because the document speaks for itself. She does not demonstrate any error of law.

WHEREFORE, the decision of the Unemployment Insurance Appeal Board is affirmed.

IT IS SO ORDERED.

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Judge Susan C. Del Pesco

xc: Dorothea E. Flonnory, [1204 Apple St., Wilmington, DE 19801]  
Mary Page Bailey, Esquire, Deputy Attorney General  
Thomas H. Ellis, Esquire, Deputy Attorney General  
Accord Health Service at Brandywine, [505 Greenbank Rd., Wilmington, DE 19808]  
Unemployment Insurance Appeal Board

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<sup>1</sup> *Flonnory v. Accord Health Service at Brandywine*, Decision of Appeals Referee (Jun. 6, 2005).

<sup>2</sup> *Flonnory v. Accord Health Service at Brandywine*, UIAB Appeal Hearing No. 158125 (Oct. 31, 2005), *aff'g* Decision of Appeals Referee (Jun. 6, 2005).

<sup>3</sup> *General Motors Corp. v. Freeman*, 164 A.2d 686, 688 (Del. 1960); *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66-67 (Del. 1985).

<sup>4</sup> *Oceanport Ind. v. Wilmington Stevedores*, 636 A.2d 892, 899 (Del. 1994).

<sup>5</sup> *Johnson*, 231 A.2d at 66.

<sup>6</sup> *Adams v. Nabisco*, 1995 WL 653435 (Del. Super. Ct.)